

REMARKS

This response is to the Office Letter mailed in the above-referenced case on March 20, 2008. Claims 21-30 are presented for examination.

Rejection under 35 U.S.C. 112

Claims 22, 24-25, 27, and 29-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 22, 24-25, 27, and 29-30, "the computerized appliance" lacks positive antecedent basis. For purpose of examination, Examiner assumes applicant meant "the portable device"

Applicant's response

Applicant herein amends said claims to recite "the portable device"

Rejection under 35 U.S.C. § 102

Claims 21-30 are rejected under 35 U.S.C. § 102(b) and 102(e) as being anticipated by Kikinis patent no. 5,727,159.

Examiner's rejections:

As to claim 21, Kikinis teaches the invention as claimed, including a system for enabling remote interworking with a communication center, comprising:

a communication center comprising a plurality of communication and computing devices (col. 4 lines 29-34; col. 5 lines 53-61; col. 8 lines 49-62. Corporate system comprises plurality of communication and computing devices);

a first network for coupling the plurality of communication and computing devices (col. 4 lines 29-34; col. 5 lines 53-61; col. 8 lines 49-62);

a proxy server executing a software suite and coupled to the first network (Proxy server 19, figure 2; col. 4 lines 15-34); and

characterized in that the proxy server is further coupled to a second network for managing communications between a portable device and the plurality of communication and computing devices in a form usable by each, wherein the portable device is enabled at least to participate in voice communication and to interoperate with at least one software application executing on a computing device coupled to the first network (col. 4 lines 15-64, col. 5 line 62 - col. 6 line 36, col. 7 line 57 - col. 8 line 4; col. 70 line 57 - col. 11 line 37).

Claims 26-30 have similar limitations as claims 21-25; therefore, they are rejected under the same rationale.

Applicant's response

Applicant herein amends the independent claims to specifically recite that the first network is a LAN, the second network the Internet and the portable device is enabled at least to participate in Internet Protocol Network Telephony (IPNT) voice communications with agents operating individual ones of the communication and computing devices at the communication center and to interoperate with any software application executing on the computing devices coupled to the LAN.

Applicant is intimately familiar with Kikinis and believes Kikinis fails to teach or suggest the claim limitations, as amended, in claims 21 and 26.

Applicant points out that applicant's specification teaches the Internet telephony capabilities at the plurality of communication and computing devices on the first network (page 13, lines 11-27). Applicant argues that Kikinis fails to teach live IPNT voice communication capability from the computing device 13 to the proxy server, or from the proxy server to communication and computing devices on a LAN. Kikinis discloses a teaching that is primarily limited to Web browsing, not IPNT, as claimed.

The Examiner states that Kikinis teaches the proxy server and the computerized appliance each execute an instance of a Nano-browser enabling Internet Protocol

communication over the second two-way data link (col.7 lines 1-12). Applicant respectfully disagrees. Said portion of Kikinis is reproduced below:

Most data transferred by WEB servers assumes relatively high-end displays, such as color SVGA displays as known in the art. In PDAs and digital organizers, such as those anticipated for use in the present invention, the displays are relatively low resolution, and are typically LCD in nature. Ti the system described with the aid of FIGS. 1 and 2 Inter- Browser program 45 at the Proxy-Server and the HT-Lite NanoBrowser program at the hand-held unit cooperate in another manner as well. When one connects to the proxy-Server the hand-held unit, through the HT-Lite Nano-Browser program, provides a signature which the proxy-Server compares with logged signatures.” (col. 7, lines 1-12)

As seen in said portion of Kikinis there is absolutely no mention of a nano-browser in Kikinis enabling Internet Protocol Network Telephony communication over the second two-way data link, as claimed in applicant’s invention.

Kikinis, specifically teaches, “Proxy-Server 19, instead of displaying the downloaded data (or playing video and/or audio output, as the case may be, depending on the downloaded data), translates the data to a simpler communication protocol and sends the data to computer 13 for output over link 15 in a TCP/IP protocol.” (col. 6, lines 28-32)”

Applicant argues that the above referenced portion of Kikinis actually teaches away from live IPNT, as claimed, because ‘audio’ data is translated by the proxy server into simpler data protocol, which does not read on IPNT. Further, Kikinis includes one limited teaching of the computerized device capable of instructing the proxy server to access an appointment program in ‘groupware’. This fails to read on applicant’s amended claim limitation reciting that the portable device interoperates with any software application executing on the computing devices coupled to the LAN.

Applicant further points out that Kikinis teaches the computerized device consists of speakers and a microphone, further teaching:

It is well-known that graphic information is not the only information accessible on the Internet. Audio may be downloaded in many cases as well. In many cases where audio is available, software, often termed a “media player” is provided to be downloaded from the same source to be used by the connecting computer in processing the audio data. The present structure of the Internet WWW is such that users are assumed to have certain kinds of equipment of sufficient computing power to do Web browsing and to operate media players. For example, media players are typically provided for IBM-compatible PC, Macintosh, or Sun systems.(col. 10, lines 57-67)

Applicant argues that it is well known that a media player is not accessed to perform live IPNT calls between agents in a communication center and a remote portable device, as claimed in applicant’s invention.

Kikinis further teaches, “In alternative embodiments of the present invention, field units will be provided with capability to receive Linear Predictive Coded (LPC) audio data, and to drive one or more speaker units. The Proxy-Server, in these cases, will either download the media players as necessary, or be previously programmed with media players, and will convert the audio data downloaded from the Internet to the form usable by the field units as a part of the overall transposing process.”(col. 11, lines 15-23)

Applicant argues that the above portion of Kikinis teaches away from live IPNT communications, as claimed in applicant’s invention. As known in the art ‘media players’ are not used in live IPNT communication.

Applicant argues that Kikinis’ teaching referenced by the Examiner in col.11, lines 29-32 reciting “In some variations, a microphone and a speaker are also provided, and the on-board software includes routines for processing audio in both directions, to and from the ProxyServer.” fail to read on true live IPNT as known in the art. IPNT is a specific communication protocol where telephone calls are simulated by multi-media computer equipment and data, such as audio data, is transmitted over data networks as data packets while maintaining real time communication.” Kikinis clearly fails to teach true live IPNT from a portable device, as claimed.

Applicant therefore believes new claims 21 and 26, as amended, are clearly patentable over the art of Kikinis as argued above. Dependent claims 22-25 and 27-30, as amended, are patentable on their own merits or at least depended from a patentable claim.

Summary

As all of the claims standing for examination have been shown to be patentable as presented and argued over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any fees due beyond any fees paid, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully submitted,
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